

Remarks

Claims 1, 3, 5-7, 9, 11-13, 15, 17, 18, 20, 22-23 and 26-29 were pending and rejected. Claims 1, 7, 13 and 18 are amended. Support for the amendments can be found in the Specification at least in paragraphs [0047] and [0060] – [0061] and FIG. 5. New Claims 30 and 31 are added. No new matter has been added. Thus, after entry of this amendment, Claims 1, 3, 5-7, 9, 11-13, 15, 17, 18, 20, 22-23 and 26-31 are currently pending.

Reconsideration is respectfully requested based on the following remarks.

Claim Rejections 35 U.S.C. §102

Claims 1, 3, 7, 9, 13, 15, 18, 20 and 26-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Kim et al. (U.S. Patent No. 6,859,254), herein referred to as “Kim ‘254.”

Of the above-referenced claims, Claims 1, 7, 13 and 18 are independent. Accordingly, once allowability of these claims is established, all claims depending therefrom are likewise allowable.

Claims 1, 7, 13 and 18, as amended, each recite in part “at least one intermediate portion is disposed at an inside of the opening window on the second insulation layer, and separated from the first insulation layer, wherein the at least one intermediate portion consists primarily of the first insulation layer” (emphasis added).

Kim discloses, with respect to FIGS. 3A and 3B “a plurality of openings 62 are formed in the inorganic passivation layer 39 and the organic passivation layer 37 between the plurality of metal layers 24 that are formed on the gate insulation layer 32” (Kim, Col. 2, lines 50-55). Kim does not disclose “at least one intermediate portion is disposed at an

inside of the opening window on the second insulation layer, and separated from the first insulation layer, wherein the at least one intermediate portion consists primarily of the first insulation layer” as recited in Claims 1, 7, 13 and 18.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e).

Claim Rejections 35 U.S.C. §103

Claims 6 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kim ‘254 in view of Kim et al. (U.S. Patent Publication No. 2004/0036815), herein referred to as “Kim ‘815.”

Claims 5, 11, 17 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kim ‘254 in view of Seo et al. (U.S. Patent No. 6,822,717), herein referred to as “Seo.”

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim ‘254 in view of Examiner’s Official Notice.

The above referenced claims depend from independent Claims 1, 7, 13 and 18. Accordingly, once allowability of these claims is established, all claims depending therefrom are likewise allowable.

As discussed above with respect to the rejection under 35 U.S.C. 102(e), Kim ‘254 does not disclose, nor does it suggest “at least one intermediate portion is disposed at an inside of the opening window on the second insulation layer, and separated from the first insulation layer, wherein the at least one intermediate portion consists primarily of the first insulation layer” as recited in Claims 1, 7, 13, and 18. None of the additional references - Kim ‘815 or Seo – correct this defect.

For at least this reason, Applicants respectfully submit independent Claims 1, 7, 13 and 18, and all claims depending therefrom are patentable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 50-5029. If the Examiner has any questions or concerns, a telephone call to the undersigned at (408) 331-1674 is welcomed and encouraged.

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